

**EXHIBIT 34 TO EINERTSEN DECLARATION**

**ARNTZEN  
de BESCHE**

PROCEDURAL SUBMISSION

TO

THE OSLO CITY RECORDER'S OFFICE

Oslo, 26 February 2010  
116883/52526  
FAG/gol 595586

**Case no.: 09-184127KON-OBYF/1 and 09-184139KON-OBYF/01**

**Plaintiffs:**

Michael vom Baur  
Querstr. 8  
D-18211 Admannshagen  
Germany

Jens Christian Halling  
Heimdalsgate 19  
N-0561 Oslo

**Legal representative**

Arntzen de Besche Advokatfirma AS  
through lawyer Atle E Lunder  
Postboks 2734 Solli  
N-0204 Oslo

**Defendant:**

Wadan Yards Group AS (989 887 9630  
through Chairman of the Board  
Karenslyst Allé 55  
N-0278 Oslo

\* \* \*

ARNTZEN  
de BESCHE

Reference is made to the Oslo City Recorder's Office ruling of 14 January 2010 by which the case was postponed.

Reference is further made to our procedural submission of 4 February 2010, in which it was requested that the case be initiated. The case was subsequently scheduled for 11 February 2010.

Through a request on 11 February 2010, the defendant requested that the case be again postponed. The plaintiff did not oppose this as a part-payment of € 234 935, 70 was paid in. On 11 February 2010, the court made the following decision:

*"[...]The case is postponed as is seen in the ruling of 14 January this year. It is pointed out that there is no provision for further postponements."*

In the ruling of 14 January 2010, it is seen that the plaintiffs, by the end of February, either ask the court hearing for dealing with the petition to be held, or withdraw the suit.

In the defendant's request of 11 February 2010, it is seen that the time up until 1 March was to be used for negotiating what is outstanding. We have not been contacted following this, cf.

**Annexe 1:** E-mail 22 February 2010

As is seen, we advise that this request will be revised whereby there is given an overall estimate of what is outstanding and whereby, from this side, it will be taken as a basis in the agreement of 14 January 2010, cf. annexe 1 to procedural submission 4 February 2010.

Michael vom Baur has an estimated outstanding principal claim of € 181 000 with the addition of costs to lawyers and travel of approximately NOK 110 000.

Jens Christian Halling has an estimated outstanding principal claim of € 110 000 with the addition of costs to lawyer of approximately NOK 145 000.

The extent of the claim which is based on the served notice of bankruptcy is seen from annexe 21 to the request, with the part-payment of 11 February 2010 deducted. There remains a significant amount which is covered by the insolvency presumption with the addition of a claim which follows the normal rules of evidence.

It is hereby requested that the case be initiated and it is requested that we be contacted for a rapid scheduling of a court hearing.

Oslo 26 February 2010

[signature]  
Atle E. Lunder

Procedural submission in 3 copies.

**Atle Erling Lunder****Fra:** Atle Erling Lunder**Sendt:** 22. februar 2010 13:57**Til:** Jørn A. Uggerud**Kopi:** Konstantinov, Konstantin; Kelina, Anna; ig-shaposhnikov@mail.ru**Emne:** WYGAS - HALLING/BAUR

Mr. Jørn Uggerud

Reference is made to the Court's decision 11 February 2010 to again postpone the bankruptcy proceedings. That decision was based i.a. on our acceptance, as an advance payment of euro 234 935,70 was finally paid.

According to the Court's decision 14 January 2010 Baur/Halling must give the Court notice by the end of February, i.e. Friday 26 February, to set a new Court date. If no final settlement is collected by 26 February 2010 Halling/Baur must thus again request the Court to reopen the bankruptcy proceedings. In the Court's Decision 11 February it is made clear that further postponement will not be accepted.

In your email 10 February (09:49) - also sent to the Court - you refer to the advance payment, and that the time before 1 March should be used to negotiate the outstanding amount. We have not been contacted at all since the Court stayed the proceedings 11 February.

Our request to the Court will be revised including the full claim. The outstanding claim for Baur is app 181' euro (of total 306' euro) + legal and travel costs (app. NOK 110'+), and for Halling app 110' euro + legal costs (app NOK 145'+)

We will request the Court to reopen the bankruptcy proceedings without further notice.

Med vennlig hilsen/Yours sincerely

**ARNTZEN de BESCHE ADVOKATFIRMA AS**Atle E Lunder  
advokat/senior associate

Tel.: + 47 23 89 40 00  
Mob.: + 47 98 29 45 78  
Fax: + 47 23 89 40 01  
Addr.: P.O. Box 2734 Solli, NO-0204 Oslo  
E-mail: [atle.lunder@adeb.no](mailto:atle.lunder@adeb.no)  
URL: [www.adeb.no](http://www.adeb.no)

Foretaksregisteret: Org.nr.: NO 982 409 705 MVA

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26.02.2010



**PROSESSKRIV**  
**TIL**  
**OSLO BYFOGDEMBETE**

Oslo, 26. februar 2010  
116883/52526  
FAG/gol 595586

**Sak nr:** 09-184127KON-OBYF/1 og 09-184139KON-OBYF/01

**Saksøkere:**

Michael vom Baur  
Querstr. 8  
D-18211 Admannshagen  
Germany

Jens Christian Halling  
Heimdalsgate 19  
0561 Oslo

**Prosessfullmektig**

Arntzen de Besche Advokatfirma AS  
v/advokat Atle E Lunder  
Postboks 2734 Solli  
0204 Oslo

**Saksøkt:**

Wadan Yards Group AS (989 887 963)  
v/styrets formann  
Karenslyst Alle 55  
0278 Oslo

\* \* \*

OSLO STAVANGER TRONDHEIM

ARNTZEN de BESCHE ADVOKATFIRMA AS

OSLO – Bygdey allé 2 // P.O. Box 2734 Solli, NO-0204 Oslo // Tel: +47 23 89 40 00, Fax: +47 23 89 40 01 // [oslo@adeb.no](mailto:oslo@adeb.no)  
STAVANGER – Jiltuvågveien 7 // P.O. Box 130, NO-4065 Stavanger // Tel: +47 52 87 45 00, Fax: +47 52 87 45 01 // [stavanger@adeb.no](mailto:stavanger@adeb.no)  
Org. no: NO 982 409 705 MVA  
[www.adeb.no](http://www.adeb.no)



Det vises til Oslo byfogdembetes kjennelse 14. januar 2010 der saken ble utsatt. Det vises videre til vårt prosesskriv 4. februar 2010 der saken ble begjært igangsatt. Saken ble deretter berømmet til 11. februar 2010.

Ved begjæring 11. februar 2010 begjærte saksøkte saken utsatt på nytt. Saksøker motsatte seg ikke dette, da en delbetaling på 234 935,70 euro ble innbetalt. Retten traff 11. februar 2010 følgende beslutning:

*"[...] Saken er utsatt slik det fremgår av kjennelse av 14. januar d.å. Det presiseres at det ikke er rom for ytterligere utsettelse."*

I kjennelsen 14. januar 2010 fremgår at saksøkerne innen utløpet av februar enten ber avholdt rettsmøte for å behandle begjæringen, eller trekke saken.

I saksøktes begjæring 11. februar 2010 fremgår at tiden frem mot 1. mars skulle benyttes til å forhandle om det resterende. Vi har ikke blitt kontaktet etter dette, jf.

**Bilag 1:** E-post 22. februar 2010

Som det fremgår opplyser vi om at denne begjæringen vil være revidert slik at det gis et samlet estimat over utestående, og slik det fra denne side ble lagt til grunn i avtalen 14. januar 2010, jf. bilag 1 til prosesskriv 4. februar 2010.

Michael vom Baur har et estimert utestående hovedkrav på 181 000 euro, med tillegg av kostnader til advokat og reise med omlag NOK 110 000.

Jens Christian Halling har et estimert utestående hovedkrav på 110 000 euro, med tillegg av kostnader til advokat på omlag NOK 145 000.

Omfanget av det krav som bygger på forkynt konkursvarsel fremgår av bilag 21 til begjæringen fratrasket delbetalingen 11. februar 2010. Det gjenstår et betydelig beløp som dekkes av insolvenspresumpsjonen, med tillegg av et krav som følger de alminnelige bevisregler.

Saken begjæres med dette igangsatt, og det bes om at vi kontaktes for rask berømmelse av rettsmøte.

Oslo, 26. februar 2010

Atle E Lunder

Prosesskriv i 3 eksemplarer.



**Atle Erling Lunder**

**Fra:** Atle Erling Lunder  
**Sendt:** 22. februar 2010 13:57  
**Til:** Jørn A. Uggerud  
**Kopi:** Konstantinov, Konstantin; Kelina, Anna; ig-shaposhnikov@mail.ru  
**Emne:** WYGAS - HALLING/BAUR  
 Mr. Jørn Uggerud

**BILAG 1**

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Atle E Lunder  
 advokat/senior associate

Tel.: + 47 23 89 40 00  
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26.02.2010

**Sworn translation from Norwegian to English of:**

**Procedural Submission from Arntzen de Besche to the Oslo City  
Recorder's Office dated 26 February 2010**

Eastbourne, 14 June 2012

Translator's statement:

The undersigned, Edward David Parton, registered as sworn translator for the English language at Xenophiles, hereby declares that the attached English translation is a faithful representation of the Norwegian original, also attached.

Translator's signature

A handwritten signature in cursive script, reading "Edward David Parton".

Edward David Parton, BA (London)

Sworn Translator English

Attached:

- 1) English translation of Procedural Submission from Arntzen de Besche to the Oslo City Recorder's Office dated 26 February 2010 (including Annexe 1) (3 pages)
- 2) Norwegian original of the same (3 pages)